

Applicants: Jansen et al.
Application No.: 10/717,058
Filing Date: November 19, 2006
Docket No.: 102-548 CIP/CON (P-4136P1C1)
Page 12

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-15 and 21-35 are in the application. Claims 1, 12, 21 and 31 have been amended.

In the Official Action, the Examiner rejected claims 1-15 and 21-35 under 35 U.S.C. §103(a) as being allegedly unpatentable over D'Alessio et al. (U.S. Patent No. 5,389,085) in view of Martin (U.S. Patent No. 5,417,660).

D'Alessio et al. is directed to an automatic needle protector which is mountable onto needle hub 66. As shown in Figs. 10-12, the device includes a sleeve 50 which slides within a tubular mount 60. A spring 62 is also provided to act against the sleeve 50. The sleeve 50 is initially in an extended position covering the needle, as shown in Figs. 10 and 12. See, e.g., Col. 8, ll. 1-5; Col. 8, ll. 33-39.

Martin is directed to a self-locking syringe holder which includes a needle guard 14 having locking tabs 50 and 52. As set forth at Col. 4, ll. 34-41, the needle guard 14 is initially in an extended position covering the needle, as shown in Fig. 2. For use, the tabs 50 and 52 are pushed inwardly, thereby allowing the needle guard to retract, as shown in Fig. 3.

Applicants: Jansen et al.
Application No.: 10/717,058
Filing Date: November 19, 2006
Docket No.: 102-548 CIP/CON (P-4136P1C1)
Page 13

It is clear that any hypothetical combination of D'Alessio et al. and Martin would result in a needle shield arrangement which initially has a shield in an extended, needle-covering position.

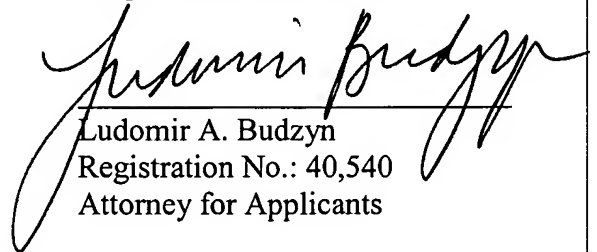
Claims 1, 12, 21 and 31 are the pending independent claims of the application. Each of these independent claims has been amended to indicate that the "shield is initially in said retracted position". Neither D'Alessio et al. nor Martin provide for such an arrangement. With the subject invention, a needle shield arrangement is provided which allows for a needle tip to be initially exposed to facilitate use by a practitioner. It is respectfully submitted that claims 1, 12, 21 and 31, along with the dependent claims 2-11, 13-15, 22-30 and 32-35, are patentable over D'Alessio et al. and Martin, each taken alone or in combination.

The Examiner also provisionally rejected claims 1-15 and 21-35 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-10 of co-pending Application No. 10/737,627. Applicants at this time refrain from addressing this rejection. This rejection will be moot if this case is first allowed.

Applicants: Jansen et al.
Application No.: 10/717,058
Filing Date: November 19, 2006
Docket No.: 102-548 CIP/CON (P-4136P1C1)
Page 14

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,



Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700